

**CHARTER TOWNSHIP OF ELMWOOD
PLANNING COMMISSION
REGULAR MEETING**

Tuesday, April 19, 2022 at 7PM

Location: Township Hall (10090 E. Lincoln Road, Traverse City, MI)



**Commission
Members:**

Rick Bechtold, Chair

Jeff Aprill, Vice-
Chair

Jonah Kuzma,
Secretary

Doug Roberts

Kendra Luta

Nathan McDonald

Chris Mikowski

- A. Call to order – 7:00 PM
- B. Pledge of Allegiance
- C. Roll Call
- D. Limited Public Comment-**Only on Agenda Items**- See Rules on Agenda
- E. Agenda Modifications/Approval
- F. Minutes – February 15, 2022
- G. Consent Calendar: Approve/Receive and File
Correspondence/Informational Session(s)
ZA Monthly Report
- H. Declaration of Conflict of Interest (*Items on the Agenda*)
- I. Old Business
 - 1. Workshop Discussion – Date and Agenda Items
- J. New Business
 - 1. EXTENSION REQUEST - SU/SPR 2021-01 Brengman Brothers Vineyards- Distillery and Associated Tasting Room. Commission Decision 3/16/21, Minutes approved 4/27/21
 - 2. EXTENSION REQUEST - SUP 2021-02 - New Waves Clustered Development. Commission Decision 5/26/21, Minutes approved 6/15/21.
 - 3. Update on SUPs in last year (2021-current).
 - 4. Board/Committee Updates
 - 5. (if time permits) Review of Section 5.4 Land Use and Zoning District Table and Requirements for specific/special land uses
- K. Comments from the Chair
- L. Comments from Planning Commissioners
- M. Comments from Staff
- N. Public Comment-Any Items- See Rules below
- O. Adjourn

Public Comment Rules:

This is an input option. The Commission will not comment or respond to presenters. Silence or non-response from the board should not be interpreted as disinterest or disagreement by the board.

- Speakers are asked, but not required, to identify themselves by name and address
- Limit comments to 3 minutes for limited public comment and 2 minutes for public comment at the end of the agenda
- Comments shall be addressed to the chair, not individual board members or others in the audience

**Charter Township of Elmwood
Planning Commission
Regular Meeting
March 8, 2022
7:00 PM**

- A. Call to Order:** Chairman Bechtold called the meeting to order at 7:00 PM.
- B. Pledge of Allegiance:** The Chair led the Pledge of Allegiance.
- C. Roll Call: Present:** Jeff Aprill, Chris Mikowski, Rick Bechtold, Jonah Kuzma, Kendra Luta, Nate McDonald
Excused: Doug Roberts
- D. Limited Public Comment:** None
- E. Agenda Modifications/Approval:** MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER MCDONALD TO APPROVE THE AGENDA AS PRINTED. MOTION PASSED UNANIMOUSLY.
- F. Minutes- February 15, 2022:** MOTION BY COMMISSIONER LUTA, SECOND BY COMMISSIONER APRILL TO APPROVE THE MINUTES OF FEBRUARY 15, 2022 AS PRESENTED. MOTION APPROVED UNANIMOUSLY.
- G. Consent Calendar: Approve/Receive and File**
Correspondence/Information Session(s)
ZA Monthly Report
- MOTION BY COMMISSIONER LUTA SECOND BY COMMISSIONER KUZMA TO APPROVE THE CONSENT CALENDAR WITH CHANGES. MOTION PASSED UNANIMOUSLY.**
- H. Declaration of Conflict of Interest:** Commissioner Aprill mentioned he is friends with some of the members of the Masonic Lodge. No conflict found.
- I. Old Business: 1. SPR 2022-01, Kaiser Building, Motel, 13356 S West-Bay Shore Dr**
The Chair noted, at the last meeting the Mason's had presented their plan for the structure in front of the larger building.

Staff noted in their packets they have a multiple page document with pictures that was submitted with the applicants with information requested at the last meeting from the Commission. She added that the staff report was updated based on that information and noted that a revised plan and elevation drawing was submitted earlier in the day; the staff report was not amended based on today's submittal.

The Commissioners discussed the revised plans and went through Section 8.4 Requirements for Site Plan Approval and Section 8.5 Review and Approval.

MOTION BY COMMISSIONER MCDONALD, SECOND BY COMMISSIONER LUTA TO APPROVE SPR 2022-01, KAISER BUILDING WITH CONDITIONS. MOTION APPROVED UNANIMOUSLY.

***CONDITION=THE ZONING ADMINISTRATOR RESERVES THE RIGHT TO CONDUCT AN INSPECTION TO ENSURE COMPLIANCE WITH THE PLAN.**

2. Workshop Discussion-Date and Agenda Items

The Chair noted Staff had included the excerpt from the Commission Bylaws and at the last revision, they set up workshop meetings. He finds these to be very helpful because it gives them a chance to really plan. Staff requested the Commission relay which item(s) should be on a workshop agenda. Discussion ensued and ultimately the Commissioners decided that density, housing, and current allowed uses and their requirements. The Commission tentatively scheduled the workshop for May 5, 2022.

J. New Business:

1.) Extension Request-SUP/SPR 2021-06 TC Whiskey Distillery Tasting Room 9440 S. Center Hwy. #45-004-008-009-00 & #45-004-008-010-40 (approved on 6/24/21(Minutes approved 7/7/21))

The Chair said they received a letter from the project manager/architect noting a variety of circumstances all directly due to the ongoing pandemic that has delayed their work and said they requested an extension.

MOTION BY COMMISSIONER APRILL, SECOND BY COMMISSIONER MIKOWSKI TO GRANT A ONE YEAR EXTENSION FOR SUP/SPR 2021-06 TC WHISKEY DISTILLERY TASTING ROOM. MOTION PASSED UNANIMOUSLY.

K. Comments from the Chair: Chairman Bechtold thanked the Commissioners for another good meeting and for moving this meeting date.

L. Comments from Planning Commissioners: Commissioner Aprill is excited about the extra meetings. He thinks it's always good to look at the Ordinance. He also thinks they need to look at failed projects and why they didn't go through.

M. Comments from Staff: Staff said they need to make sure they don't focus on one parcel or project when they're reviewing the Ordinance; they need to think of the whole Zoning District.

N. Public Comment: None

O. Adjourn: MOTION BY COMMISSIONER MCDONALD, SECOND BY COMMISSIONER APRILL TO ADJOURN MEETING AT 8:21 PM. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,
Carrie M. Schaub



Charter Township of Garfield

Grand Traverse County

3848 VETERANS DRIVE
TRAVERSE CITY, MICHIGAN 49684
PH: (231) 941-1620 • FAX: (231) 941-1588

March 29, 2022

Notice of Intent to Update a Master Plan

Please be advised that this notice is to inform you that the Charter Township of Garfield Planning Commission is preparing to update its Master Plan.

You are receiving this notice in accordance with Section 39 of the Michigan Planning Enabling Act, Public Act 33 of 2008 (MCL 125.3839). This law is intended to encourage collaboration of neighboring municipalities, transportation agencies and other planning entities as well as to inform public utilities and railroad companies of the Township's intent to update its Master Plan.

To the extent possible, and for your convenience, all future correspondence will be sent electronically. If you prefer to receive notices and documents in hard copy form, please notify the Planning Department.

The Planning Commission welcomes any comments you may have regarding the Master Plan update and its process so, please do not hesitate to contact our offices with any questions or comments.

Sincerely,

John C. Sych, AICP
Director of Planning

On behalf of the Charter Township of Garfield Planning Commission

Reminder

Right to Farm Act/Zoning & Planning for Successful Agriculture in Your Community

Date: Wednesday, April 27, 2022
Time: 6:30 pm – 8 pm
Location: Leelanau County Government Center,
8527 E. Government Center Dr.
Suttons Bay, MI 49682

Hosted by: Leelanau County Planning Commission
Speaker: Ryan Coffey Hoag
Government & Public Policy/Community & Economic Development at
Michigan State University

RSVP PLEASE: Call 231-256-9812 or email: planning@leelanau.gov

This session will be in-person, and will be available to watch live. When you RSVP, please tell us if you will attend, or would like information to watch live.

This session will cover **Michigan's Right to Farm Act**, including its purpose, protection qualifications and Generally Accepted Agricultural and Management Practices (GAAMPs) and their relation to the Right to Farm Act. Conflicts and legal process including preemption, relation to other laws, and complaint and court processes will also be addressed. The seminar will conclude with a discussion on processing, production, agribusiness and agritourism and how communities can plan and zone for successful agriculture.

Ryan Coffey Hoag has 10 years' experience working in a private, family-owned business and is currently serving in his 16th year as MSU Extension Land Use Educator for Newago County. He is a MSU Extension expert on planning and zoning, right-to-farm, economic development and GIS, and an instructor for the Citizen Planner Program. Ryan serves the State of Michigan as Chair of Farm Markets GAAMPs Advisory Committee.



Leelanau County Planning Commission
8527 E. Government Center Dr., Suite 108
Suttons Bay MI 49682
Website: www.leelanau.gov

To: Elmwood Township Board

From: Sarah Clarren, Planner/Zoning Administrator

RE: March 2022 Planning and Zoning Report

PERMITS:	3/2022	3/2021	YTD 2022	YTD 2021
Single Family Dwelling	3	2	5	4
Attached SFD	0		0	
Accessory Building	1	3	1	6
AG Building	0		0	
Residential Addition	1		2	
Deck	0	1	1	2
Sign	0		0	
Commercial	2		2	
Misc.	1	1	1	1
Total Permit	8	7	12	13
Fees Collected	\$369.68	\$414.64	\$711.32	\$697.04

Zoning Board of Appeals:

Past Meeting – March 2, 2022 – Extension Request – ZBA 2021-01 Request by TCWC Holding Company LLC at 9440 S Center Hwy, Parcel #45-004-008-010-40 for a 10-foot height variance to construct a 45-foot-high portion of the building for equipment used in distillation in the Agricultural-Rural Zoning District. Granted.

Future Meeting – April 6, 2022 – Interpretation request - Request by Megan Mertaugh-Graber and Kermit Graber for an interpretation of Section 5.4 of the Zoning Ordinance, specifically regarding whether “Livestock and poultry on 4 or more acres in a fenced enclosure” as allowed by the Township’s Ordinance may be split amongst separate adjoining parcels in regards to the minimum acreage requirement.

Planning Commission:

Past Meeting – March 8th

- SPR 2022-01, Kaiser Building, Motel, 13356 S West-Bay Shore Drive – Granted
- Workshop Discussion – Date and Agenda Items – tentative date of 5/5
- Extension Request – SUP/SPR 2021-06 TC Whiskey Distillery Tasting Room 9440 S. Center Hwy. Granted.

Future Meeting

- April 19th – agenda TBD

Office Updates:

- Submitted Waterways Grant application for Marina Phase 3b (Boater’s Bath Construction)
- Continues with Parks & Rec on 5-year update to the Parks & Rec Plan – next meeting 4/13/2022
- ZA obtained MSU Zoning Administrator Certificate
- STRs. As of 3/31, please note the following:
 - A total of 79 licenses have been issued to complete applications;
 - 3 applications are missing item(s);
 - (1) application has been withdrawn;
 - (1) application did not meet the definition of an STR.

Sarah Clarren

From: Ed Brengman <edbrengman@gmail.com>
Sent: Wednesday, April 13, 2022 3:57 PM
To: Sarah Clarren
Subject: Re: SU/SPR 2021-01 Brengman Brothers Vineyards- Distillery and Associated Tasting Room

Brengman Brothers would like to request a 1 yr extension on our proposed special land use application in accordance with section 9.5 of the ordinance. We have been in communication with the Leelanau County Building Safety Department and with an engineer in regards to what is needed to properly prepare for the sale of spirits at our location. We were delayed by the TTB which is the Federal licensing agency. Now with their approval we can focus on the special land use permit. Thank you for your consideration.

Regards

Ed and Robert Brengman



On Wed, Apr 13, 2022 at 2:46 PM Sarah Clarren <planner@elmwoodmi.gov> wrote:

Ed,

Thank you for taking my call this afternoon. Again, apologies for the sense of urgency, but I have just noticed that the expiration date of the above referenced Planning Commission approval will be expiring imminently. Special Use Permits are only valid for one year after approval unless substantial construction has begun. As you may know, the project was approved on 3/16/21, but the minutes were not approved until 4/27/21.

Per Section 9.3.D.3, "The approved minutes of the Planning Commission shall be the date official action was taken on a proposed special land use application..."

I think it's safe to say you would like to request an extension; please get me a letter requesting an extension for one year in accordance with Section 9.5 of the Ordinance. I would encourage your letter to include basic details on why the project has been delayed (such as permitting) as well as if you believe that substantial construction could be completed within the one year extension period, if granted.

The above all said, I am finalizing the agenda/packet for the Commission's 4/19 meeting today. If you get a letter to me by end of business day, I will get you on next week's agenda.

Stay safe and well,

Sarah

Sarah Clarren

Planner / Zoning Administrator

Elmwood Township

(231)946-0921

Township Office Hours

Monday - Friday

9:00 am - 5:00 pm

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Mansfield

Land Use Consultants

April 13, 2022

Sara Clarren, Township Planner
Elmwood Township
10090 E. Lincoln Rd.
Traverse City, MI 49684

Re: New Waves Cluster Residential Development SUP Extension (SU/SPR 2021-02)

Ms. Clarren,

On behalf of the applicant, New Waves United Church of Christ, we are pleased to submit this letter to you as an official request for a 1-year extension to the approved Special Use Permit for the Cluster Residential Development on the unaddressed property located on Bugai Road with the Property ID number 45-004-136-015-30 (SU/SPR 2021-02):

The SUP for the New Waves project was approved at the May 25th, 2021 Planning Commission meeting, and the project team has been working on completing condominium documents and obtaining permits for construction in the time since. Currently, all necessary local agency permits for construction (Road Commission driveway permits, Erosion Control and Storm Water permit, Private Road permit, Township Land Use Permit for site work) are in place except for the Benzie-Leelanau Health Department permit for the proposed shared well.

With the site work Land Use Permit and SESC permit in place, the site contractor is beginning work this week to grade for the proposed private road and storm water basins; construct driveway approaches; and prepare for utility work. Upon receipt of the well permit from the Health Department, utility installation will take place. It is intended that the site work be completed as quickly as possible, as Habitat for Humanity homes are intended to be built on a portion of the project's lots this construction season. It is anticipated that all site grading, private road, and utility construction will be completed well within the one-year extension being requested.

The intention for the shared well permit is to create and install a water system that serves multiple lots within the development, but is not classified as a Type I water system by EGLE. The shared well can be permitted as a Type II well by the local Health Department with approval by EGLE, and the project team is in the process of verifying flow requirements for this system and determining the number of lots that can be served. Additionally, a test well installed on the site has produced low flow yields, further complicating the approval process. We are assuming that a Type II well permit will be obtained within the next month or two.

We look forward to discussing this project, and the current request, at the next meeting of the Planning Commission. If you have any questions or need any additional information, please feel free to contact me at (231) 360-7021 or dusty@maaeps.com. Thank you for your assistance.

Sincerely,
Mansfield Land Use Consultants



Dusty Christensen, LLA

To: Elmwood Township Planning Commission

From: Sarah Clarren, Planner/Zoning Administrator

Date: April 13, 2022

RE: Status of 2021-current Special Use Permit reviews by the Commission

Chair Bechtold asked me to assemble information pertaining to the status of Special Use applications reviewed by the Planning Commission in the last year. The Commission completed reviews of for SUPs projects. Information pertaining to each is noted below. Note that the below information only incorporates permitting associated with the Township; it doesn't note any progress made with outside agencies.

SU/SPR 2021-01 Brengman Brothers Vineyards- Distillery and Associated Tasting Room

Brengman Brothers Vineyards requested to add a distillery and distillery tasting room to their existing building that houses a winery, wine tasting room, and winery associated events. The Commission made their decision on March 16, 2021. Since then, the following has occurred:

- 1) Obtained a LUP (12/13/21) for the change of use.

SUP 2021-02, New Waves Clustered Res. Development, Bugai Rd between M 72 & Hoxie

New Waves requested and obtained SUP for a 14 unit clustered residential subdivision development. The Commission made their decision on May 26, 2021. Since then, the following has occurred:

- 1) The property owner met with the property owner to the north and came to a mutually agreed upon safety fence (condition of approval).
- 2) Obtained a preliminary private road permit
- 3) Obtained a LUP (4/12) for earth work regarding the private road, utilities, and residential developments.

SU/SPR 2021-06, TC Whiskey, Distillery Tasting Room, 9440 S Center Hwy

TC Whiskey requested and obtained approval for a distillery tasting room at their distillery on Center Hwy. This was previously approved, but that approval expired, and changes were made to the tasting room. Not expecting to issue bids for bids and construction until summer 2022 and therefore requested an extension to this permit. The Commission granted said extension on 3/8/22. Note that work is occurring onsite in conjunction with a LUP issued for their storage building (approved under SPR 2021-3).

SU/SPR 2021-08 Starfell Savannahs Cattery (Kennel)

This project is still under review by the Commission. The Commission has not yet scheduled a public hearing as they have not received a complete application (specifically the lack of an appropriate site plan). When asked about the status of her application, the following was relayed:

"Grand Traverse Survey and Mapping sent me the first official layout on February 28th. They traversed the property on February 22nd, I believe and marked the boundary lines. The

documentation, at that time, was about half completed. I have not received an update since. As soon as I have the specific requirements, I will forward accordingly.”

SU/SPR 2021-09 West Shore Marina

This project was approved, with numerous conditions, on 1/18/2022. The property owner has not reached out to provide an update and no Land Use Permit application has been filed. Conditions include:

- If there's any work to occur in the right of way during construction, MDOT must approve that and the approval must be given to the Zoning Administrator.
- The crossing needs to be approved by MDOT and be provided to the Zoning Administrator.
- All the requirements submitted by the Fire Chief in the letter dated January 18, 2022 will be met.
- Before a land use permit is submitted, all other permits shall be given with the land use application.
- In regards to the easement, that's incorporated in the application, a written agreement needs to be submitted by both property owners with the land use permit application.
- Once a new description is prepared regarding that sliver of land that description needs to be provided to the Zoning Administrator.
- No work in that area of question shall occur until permission is granted or the land changes hands.
- If and when a land use permit is applied for, an accurate schedule shall be submitted.
- The building department shall review and determine whether or not the work on the pre-existing non-conforming structure is determined to be a substantial improvement and therefore comply with FEMA standards.
- No commercial overnight stays are allowed on the boats.
- A plan showing the specific location of signs needs to be provided.
- A full-size color copy of the lighting plan needs to be submitted.
- All permits to be provided to the Zoning Administrator.

SECTION 5.4 LAND USE AND ZONING DISTRICT TABLE

Applicable to Multiple Districts													
	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR		
1. Accessory buildings and uses customarily incidental to the permitted uses	P	P	P	P	P				P	P	P		
2. Planned developments				SUP									
3. Routine essential services	Psp	Psp	Psp	Psp	Psp				SUP	SUP	SUP		
4. Wind Energy Conversion System, Non-commercial	P	P	P	P	P				Psp	Psp	Psp		
5. Wireless communication facilities	SUP								P	P	P		
Agricultural Related Uses													
6. Agricultural Commercial Enterprises (not otherwise listed in this table)	SUP								SUP				
7. Farms and agricultural operations	P												
8. Fruit and vegetable processing plants**													
9. Livestock and poultry on 4 or more acres in a fenced enclosure	P	P	P										
10. Riding stables	Psp												
11. Temporary produce stands*	P												
Residential Related Uses													
12. AFC Family Home	P	P	P	P	P								
13. Cluster residential developments	SUP	SUP	SUP	SUP					SUP				
14. Dependent Care Facilities*				SUP					Psp	Psp			
15. Family Child Care Home	P	P	P	P	P								
16. Foster Family Care	P	P	P	P	P								
17. Foster Family Group Home	P	P	P	P	P								
18. Group Child Care Home	SUP	SUP	SUP	SUP	SUP								
19. Housing, Seasonal Help	P												
20. Manufactured home parks					Psp								
21. Mixed Use (Residential above first floor)									Psp	Psp	Psp		
22. Multiple/Attached Family Housing*				Psp									
23. Residential-Single Family	P	P	P	P	P								
24. Residential-Two Family			P	P									
25. Traditional Subdivisions	SUP	Psp	Psp	Psp	Psp				SUP				
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit													
* see Section 5.5 **See End of Table													

Institutional and Public Related Uses										
26. Cemeteries	Psp								Psp	
27. Community Recreation Centers									Psp	
28. Conservation uses	Psp	Psp	Psp	Psp				Psp	Psp	
29. Government buildings *								Psp		
30. Major essential services	SUP								SUP	
31. Municipal and Commercial Parking Lots								Psp	SUP	SUP
32. Museums and libraries *	SUP								Psp	Psp
33. Nonprofit educational and recreational facilities								Psp	Psp	Psp
34. Places of worship*	Psp	Psp	Psp	Psp				Psp	Psp	Psp
35. Schools including preschool and trade schools*	SUP	Psp	Psp	Psp	Psp			Psp	Psp	
36. Parks open to the public and neighborhood parks	Psp	Psp	Psp	Psp	Psp			Psp	Psp	Psp
Commercial Related Uses										
37. Athletic clubs	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC
38. Banks and Lending Institutions								SUP		SUP
39. Bed and breakfast inns	SUP			P				Psp		SUP
40. Bed and breakfast	P	P	P	P			P	SUP	SUP	
41. Business and professional offices							Psp	Psp	Psp	Psp
42. Business Centers							Psp	Psp	Psp	
43. Campgrounds and seasonal trailer parks	SUP									
44. Car Wash								SUP	SUP	
45. Child Care Center*							Psp	Psp		Psp
46. Conference centers and banquet facilities								SUP		
47. Country Clubs	SUP							SUP		
48. Distillery Tasting Rooms**	SUP							Psp	Psp	Psp
49. Drive-In/Drive Thru Business								SUP	SUP	
50. Docks and Piers										Psp
51. Fraternal Organizations and Lodges							Psp	Psp	Psp	
52. Gasoline Service Station								SUP		
53. Golf courses and complementary uses	SUP									
54. Home businesses	SUP	SUP	SUP	SUP	SUP		Psp			
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit										
* see Section 5.5 **See End of Table										

Commercial Related Uses											
	A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
55. Home occupations*	P	P	P	P	P		P				
56. Kennels**	SUP						SUP	Psp			
57. Marine related sales, service and storage								SUP	SUP	Psp	
58. Marina, mooring facilities, and complimentary uses										SUP	
59. Microbreweries/Distilleries regulated by Michigan Liquor Control Commission	Psp**							Psp	Psp	Psp	
60. Motels*								Psp		SUP	
61. Nurseries and greenhouses	Psp										
62. Personal Service Establishment							Psp	Psp	Psp	Psp	
63. Resorts								SUP		SUP	SUP
64. Restaurants							Psp	Psp	Psp	Psp	
65. Retail sales							Psp	Psp		Psp	
66. Retail outlets with outdoor storage (building supplies, equipment rentals, etc)								Psp	Psp	Psp	
67. Retail outlets without outdoor storage (building supplies, equipment rentals, etc)								Psp	Psp		
68. Seasonal indoor vehicle storage, including boats**	SUP							SUP	SUP		
69. Seasonal outdoor storage of boats and recreation vehicles							SUP	SUP	SUP		
70. Sexually Oriented Businesses									Psp		
71. Showrooms, offices, and workshops of building tradesmen							Psp	Psp	Psp	Psp	
72. Small engine equipment sales, rentals, and service								SUP	Psp		
73. Two or more principal buildings or uses on a single property							Psp	Psp	Psp	Psp	
74. Vehicle service**									SUP		
75. Veterinary clinics	SUP						SUP	SUP	SUP		
76. Wind Energy Conversion System, Commercial	SUP							SUP	SUP		
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit											
* see Section 5.5 **See End of Table											

Commercial Related Uses		A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
77. Wine Tasting Room		SUP						Psp	Psp		Psp	
78. Winery		Psp							P	P		
79. Yacht Clubs											Psp	
Industrial Related Uses		A-R	R-1	R-2	R-3	MHP	MC	NC	GC	LI	SC	RR
80. Light Fabrication								Psp	Psp	Psp		
81. Light industrial									SUP	SUP		
82. Mini Warehousing*								Psp	SUP	SUP		
83. Tank for storage of liquid petroleum										SUP		
84. Warehousing										Psp		
85. Utility-Scale Solar Energy Systems**		SUP										
P=Zoning Administrator approval, Psp=Site Plan Review with Planning Commission approval, SUP=Special Use Permit												
* see Section 5.5		**See End of Table										

**

Distillery Tasting Room- Amendment ZO 2017-04-03, Ordinance #2018-04, Effective November 9, 2018
Special Event Facility- Amendment ZO 2017-04-02, Ordinance #2018-01, Effective June 28, 2018
Utility-Scale Solar Energy Systems- Amendment ZO 2017-04-01, Ordinance #2018-03, Effective September 28, 2018
Agricultural Commercial Enterprises- Amendment ZO 2017-04-05, Ordinance #2019-02, Effective September 4, 2019
Fruit and Vegetable Processing Plants- Amendment ZO 2017-04-05, Ordinance #2019-02, Effective September 4, 2019
Kennels, Seasonal Indoor Storage, Vehicle Service changes in NC- Amendment ZO 2017-04-10, Ordinance #2020-2, Effective October 30, 2020

SECTION 5.5 SPECIAL REQUIREMENTS FOR SPECIFIC USES

In addition, to other applicable requirements, as contained in this Ordinance, the following specific land uses shall also comply with the following:

A. Reserved

B. Child Care Center

1. The play area of the center shall be enclosed by a six (6) foot high fence with latches that are inaccessible to children.
2. The center shall maintain the property consistent with the visible characteristics of the neighborhood.
3. The center shall not operate between the hours of 10:00 p.m. and 6:00 a.m.
4. The center shall comply with all other applicable governmental standards and requirements.

C. Dependent Care Facilities.

1. An applicant shall submit a preliminary report by the Health Department stating that the parcel can accommodate on-site sewage disposal, if necessary, sufficient for the number of proposed residents.
2. If required by state law, the operator must be licensed by the State of Michigan.
3. Pedestrian access shall be provided throughout the site, including to all common areas, between all units, and to all off street parking areas. If practical, the Planning Commission may require current/future pedestrian and/or vehicular access to all abutting uses.

D. Government Buildings.

1. Pedestrian access shall be provided throughout the site, including to all common areas, between all units, and to all off street parking areas. If practical, the Planning Commission may require current/future pedestrian and/or vehicular access to all abutting uses.
2. Buildings shall face and be generally parallel to the primary road serving the facility.
3. An outdoor area developed for public use (to include but not be limited to such uses as a park, seating area, public art, or garden interpretive area) may be included when the proposed outdoor area is consistent with the use to which the government building will be used and will not create a risk of harm to users of the outdoor area.

E. Home Occupations.

1. **Intent.** It is the intent of this section to accommodate both old and new styles of home occupations, which are clearly subordinate and incidental by their very nature to the use of a single family dwelling unit for residential purposes and which are clearly compatible with the character of a residential neighborhood.
2. **Conditions.** Home occupations shall be permitted subject to the following conditions:
 - a. All home occupations shall be so conducted as not to be noticeable from the exterior of the single family dwelling unit.
 - b. No signs in connection with the home occupation are permitted.
 - c. Traffic and delivery of goods created by the home occupation shall not exceed that which is normally created by residential uses.
 - d. No employees other than the residents of the single family dwelling unit shall be employed in the home occupation.
 - e. No noise, odors, or illumination created by the home occupation shall be noticeable outside the single family dwelling unit.

F. Motels.

1. In all districts except RR, the total number of rooms shall be limited to one hundred and fifty (150).
2. A restaurant, banquet rooms, or conference space shall be permitted with the addition of adequate parking.

G. Multiple/Attached Family Housing.

1. The applicant shall submit a preliminary report by the Health Department stating that the parcel can accommodate on-site sewage disposal, if necessary, sufficient for the number of residents proposed.
2. To assure that all common areas and utilities will be maintained, the development shall be under single ownership or organized with a condominium association, or maintenance shall be ensured by other means satisfactory to the Planning Commission.
3. In the R-3 zoning district, the total number of units shall not exceed the net density permitted in the zoning district.
4. Pedestrian access shall be provided throughout the site, including to all common areas, between all units, and to all off street parking areas. If practical, the Planning Commission may require current/future pedestrian and/or vehicular access to all abutting uses.

5. Units shall face and shall be relatively parallel to the primary road and interior roads serving the attached housing development.

H. Museums and Libraries.

1. Pedestrian access shall be provided throughout the site, including to all common areas, between all units, and to all off street parking areas. If practical, the Planning Commission may require current/future pedestrian and/or vehicular access to all abutting uses.
2. An outdoor area shall be set aside and developed for public use (to include, but not be limited to such uses as a park, seating area, public art, and a garden interpretive area). The Planning Commission may waive this requirement if found to be unreasonable or unfeasible on a particular site.

I. Places of Worship.

1. Pedestrian access shall be provided throughout the site, including to all common areas, between all units, and to all off street parking areas. If practical, the Planning Commission may require current/future pedestrian and/or vehicular access to all abutting uses.
2. Height may exceed that required by the district. Steeple and decorative tower heights shall not exceed seventy-five (75) feet.

J. Schools.

1. Pedestrian access shall be provided throughout the site, including to all common areas, between all units, and to all off street parking areas. If practical, the Planning Commission may require current/future pedestrian and/or vehicular access to all abutting uses.
2. Bus loading/unloading and parent drop off/pick-up area must be designed to avoid pedestrian/vehicular conflicts.
3. Bus loading/unloading and parent drop off/pick-up area must be designed as a one-way drive.

K. Temporary produce stands. Temporary produce stands are to allow active farmers to directly market their farm products. The following conditions apply:

1. The produce stand shall be located on the parcel owned or leased by the farmer.
2. The produce stand shall not be located in the public road right-of-way.
3. A minimum ten (10) foot front setback is required between the produce stand and the front property line.

4. One (1) produce stand shall be allowed per parcel.
5. Additional agricultural products may be sold at the produce stand provided it is grown or produced (e.g., honey, syrup, etc) in Elmwood Township.
6. Sale of craft items is limited to those produced on the property.
7. A parking area to accommodate customers shall be provided off the public road right-of-way.
8. A minimum fifty (50) foot setback is required between the produce stand and any rear or side property line.
9. Produce stands shall not be greater than one hundred (100) square feet in area and shall be a temporary structure.
10. Removal of the produce stand is required immediately after the produce stand is closed for the season.

L. Mini Warehouse (Amendment ZO 2017-04-10, Ordinance #2020-2, Effective October 30, 2020)

In the Neighborhood Commercial District, structures used for mini warehousing shall be limited to 1 story or 12 feet in height, whichever is less.

land use in the Township and the area, legal and engineering review, and other pertinent information. Approval of the Health Department, the Leelanau County Road Commission, the Elmwood Township Fire Department, or other agencies that may be required to develop the site shall not be the sole determining factor in this regard. The Planning Commission may require the applicant to provide the additional information, data, or studies or the Planning Commission may select an independent entity. If an independent entity is selected to perform this work, then the charges for this work and all related costs, including analysis by professionals, shall be paid from the Escrow Funds, per Section 11.7, applicable to the application.

SECTION 9.5 SPECIAL LAND USE APPROVALS AND EXTENSIONS

- A. Special land use approvals, and any conditions of approval, shall run with the land and be binding upon the applicant and any subsequent successors, heirs, or assigns.
- B. If substantial construction has not taken place within one (1) year of the special land use approval date, the special land use shall expire..
- C. The Planning Commission may grant two (2) extensions of a special land use approval, of an additional one (1) year period for each extension, provided that the applicant submits an extension request prior to the one year expiration date of the special land use approval or a prior extension. To grant an extension, the Planning Commission must find that any delays were beyond the control of the applicant, and that the applicant will complete substantial construction within the one (1) year extension period.

SECTION 9.6 APPEALS OF SPECIAL LAND USE APPROVALS

The Planning Commission shall grant or deny approval of all special land use applications. A person aggrieved by a decision of the Planning Commission in granting or denying approvals of a special land use, or regarding any conditions attached to approval of the special use permit, may appeal the decision to the Zoning Board of Appeals per the requirements of Article 12 of this Ordinance.

SECTION 9.7 SPECIAL LAND USE APPROVAL AND LAND USE PERMITS

Special land use approval still requires issuance of a land use permit. The Zoning Administrator shall issue a land use permit only after all conditions (if any) which can be met prior to issuance of the land use permit have been completed, and all fees have been paid. No construction shall commence until after a land use permit has been issued.

SECTION 9.8 ADDITIONAL REQUIREMENTS FOR CERTAIN SPECIAL LAND USES

Several land uses require additional requirements that must be met in addition to the Standards, Requirements, and Findings in Section 9.3. These additional standards are listed below.

- A. **Communication Towers.** It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values, and aesthetic quality of the

community at large. In fashioning and administering the provisions of this section, an attempt has been made to balance these potentially competing interests.

1. Pursuant to Section 3514 of P.A. 110 of 2006, as amended, wireless communications equipment is a permitted use of property and is not subject to Special Land Use approval or any other approval if the following requirements are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The existing wireless communications support structure or existing equipment compound is in compliance with the Elmwood Township Zoning Ordinance or was officially approved by the Zoning Administrator or Planning Commission.
 - c. The proposed collocation will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - d. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Zoning Administrator or Planning Commission.
2. Wireless communications equipment that meets the requirements of subsection 1 (a) and (b) but does not meet the requirements of subsection 1(c) is a permitted use of property if it receives special land use approval.
3. The Planning Commission shall take into account the following:
 - a. Visual Impact. The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
 - b. Height and Construction.
 - i. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower

height shall not exceed the minimum height necessary to serve its intended functions.

- ii. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
 - iii. Towers shall be monopole construction with no guy wires.
- c. Lighting. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
- i. The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - ii. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
 - iii. Lighting may consist of a red top light that does not pulsate or blink.
- e. Color. Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
- f. Height. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
- g. Signs. No signs other than signs required pursuant to federal, state or Township ordinance shall be allowed on an antenna or tower or site.

- h. Setback Requirements. The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
 - i. The tower and any supporting or appurtenant structures shall be no closer to any building, than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
 - ii. The Planning Commission may reduce the required setbacks for towers that are designed to collapse onto themselves. In such a case, a sealed engineers drawing that states the minimum required setback shall be provided with the special use application. The Township may retain the services of an independent engineer to review the tower design and requested setback. The costs associated with an independent review shall be paid for by the applicant.
- i. FCC/FFA/Other Regulations. The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).
- j. Use. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operators reasonable use of the tower.
- k. Removal of Abandoned Towers. Any tower that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the tower, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the tower at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.
- l. Antenna Co-location on an existing tower or structure.
 - i. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it

exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.

- ii. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

B. Essential Services

1. **Intent.** It is the intent of this Ordinance to allow routine essential services in any zoning district as a permitted use since routine essential services are likely to have a minimal adverse impact on surrounding properties.
2. Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan, or in any ordinance of the Township. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this Zoning Ordinance, wherever such conformity shall be practicable, and not to be in conflict with the specific requirements of such franchise, State legislation, or Township Ordinance. In the absence of any conflict, the Zoning Ordinance shall prevail.
3. The following are considered routine essential services and are permitted in all zoning districts without a land use permit:
 - a. Overhead and underground utility distribution facilities such as water mains, sewer mains and lift stations, electrical, gas, telephone and cable television distribution lines and associated structures, pump stations, transformers, and utility boxes that are designed to serve primarily Elmwood Township and any adjacent township, subject to any franchise agreement with the Township. With new developments, utility easements will be approved as part of a subdivision plat, condominium, or site plan.
 - b. Any other similar facilities not listed above, as determined by the Zoning Board of Appeals in conformance with Section 3.3.
4. The following are considered major essential services and are permitted in certain zoning districts subject to specific review and approval procedures as described below:
 - a. Distribution substations, pump stations and transformer substations designed to serve a larger geographic area beyond Elmwood Township and any adjoining township are allowed in all zoning districts.
 - b. Transportation pipelines for gas, petroleum, and other materials, high-voltage electrical power transmission lines and other similar utility corridors that pass through the township and serve a larger geographic area beyond Elmwood Township and any adjoining township are permitted in all zoning districts.

- c. Transmission substations, essential public service buildings, public sewage treatment plants, public water plants, power plants, public works garages, storage yards and similar uses are only permitted in the Light Industrial and Agricultural-Rural zoning districts.
 - d. Fire stations, police stations, and other similar emergency services shall be permitted in the Agricultural-Rural and all non-residential zoning districts.
 - e. An essential service is subject to site plan and special land use approval.
- C. Home Businesses.**
- 1. With the special land use application and associated site plan, the following information shall be included:
 - a. Type of business.
 - b. Hours of operation.
 - c. Number of employees.
 - d. Amount and type of waste (material and effluent) to be generated and the method of handling and disposing of all wastes.
 - e. Anticipated levels of noise, odor, glare, dust, fumes, and related impacts.
 - f. Anticipated traffic levels (customer, delivery vehicles, etc.).
 - 2. The parcel shall contain a single-family dwelling.
 - 3. No more than three (3) persons who are not residents of the dwelling shall be employed on the premises at which the home based business is located.
 - 4. Any need for parking generated by the conduct of such home business shall be provided outside of the road right-of-way in an approved parking area and located as to not detrimentally affect the neighbor's property.
 - 5. The home business may be conducted within accessory buildings, but in no case shall the cumulative area utilized for the home business exceed two thousand four hundred (2,400) square feet.
 - 6. All activities shall be conducted within a building, and no outdoor storage of materials shall be permitted.
 - 7. An accessory building used for a home business shall have a setback of at least one hundred (100) feet from all property lines.
 - 8. The home business shall not result in the alteration of the dwelling or the construction of an accessory building which is not customary to dwellings and residential accessory buildings.

9. The amount of hazardous materials related to the home business shall not require registration.
10. Only those goods or products that are clearly primary to the home business shall be sold on the premises. No merchandise, equipment, or articles for sale shall be displayed for advertising purposes so as to be viewable from outside the main building.
11. The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

D. Kennels

1. The minimum lot area shall be five (5) acres for the first five (5) animals, and an additional five thousand (5000) square feet for each animal in addition to the first five (5). The Planning Commission may reduce this requirement based on site conditions.
2. Buildings and/or the use shall not exceed twenty-five (25) percent of the lot except as pasture for animals.
3. The applicant shall declare, as part of the special land use application, the maximum number of animals intended to be housed at the facility. For the purposes of this paragraph, newborn animals not yet weaned shall not be counted toward such maximum.
4. Buildings where animals are kept, dog runs, tethers and exercise areas shall not be located nearer than fifty (50) feet from any adjoining property line. Additional landscape screening, berms, or fencing may be required by the Planning Commission.
5. Dog runs and exercise areas shall not be located within any front yard.
6. All principal use activities, other than outdoor dog runs, tethers or exercise areas, shall be conducted within a totally enclosed building.
7. An animal waste management plan shall be provided by the applicant. Animal waste must be managed in a manner so as not to be a hazard to health or a nuisance to neighbors.
8. All required state and local licenses and permits shall be obtained and maintained in good standing at all times.
9. Noise emanating from a kennel shall not cause the unreasonable interference of the comfortable use and enjoyment of an adjoining property.

E. Marinas-Commercial, Private, and Public.

1. Sanitary facilities (i.e. bathrooms) shall be provided.
2. Marinas must comply with all Federal and State regulations including permitting.

3. Sale of motor fuels may be allowed if located more than five hundred feet from any public bathing beach measure along the shoreline, and no closer than one hundred feet from any adjacent property.
4. Storage of boats, trailers, and cradles may be permitted provided that trailers and cradles are screened from view or located one hundred feet from any road right of way.

F. Seasonal Outside Storage of Recreational Vehicles, Boats, Snowmobiles on Trailers, and Empty Cradles

1. The storage area is at least two hundred fifty (250) feet from the front yard setback line.
2. The storage area is screened from the adjacent residential property lines (if any) by enclosing it with a solid wood fence not less than six (6) feet high or plant materials such as evergreen trees not less than five (5) feet in height and spaced not further than eight (8) feet apart around that part of the storage yard which shares a lot line with a residential use or a residential zoning district. The location of said fence shall be shown on the final site plan. The design of the fence or landscape plan for the plantings shall be reviewed during the site plan review process and shall meet the approval of the Planning Commission. The fence or plantings shall be maintained in a neat and attractive manner and shall maintain their density and screening effect throughout the calendar year.
3. The storage area shall be in compliance with Soil Erosion/Stormwater permit and shall be graded and drained to dispose of all surface water so that it does not flow into adjoining lots or pollute adjoining waters.
4. The storage area is for storage only and no vehicle or motor repairs shall be made on the premises by the property owner, vehicle owner, boat owner, or any other person.
5. Empty boat cradles or trailers shall be completely screened by an opaque fence, or wall, or landscaping, or combination thereof. No empty boat cradles or trailers shall be stacked higher than six (6) feet.

G. Sexually Oriented Businesses.

1. In the development and execution of this subsection, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a Residential District, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding area. These special regulations are itemized in this subsection. These controls are intended for preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential area.

2. Any sexually-oriented business use is permitted if:
- a. The proposed use is not an accessory or incidental use and it is located within a zone district where the use may be permitted as a special land use.
 - b. The use is not located within a one thousand (1,000) foot radius of a regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, or a licensed child care center. Nor shall the use be located within a two hundred fifty (250) foot radius of a residential use or district, or a public park.
 - c. The use shall not be within a five hundred (500) foot radius of another such use. Separation distances between sexually oriented businesses may be waived by the Planning Commission if the following findings are made:
 - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this subsection will be observed.
 - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - iii. That the establishment of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation or recreation.
 - iv. That all applicable state laws and local ordinances will be observed.
 - v. Prior to the granting of any waiver, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the sexually oriented business as may be, in its judgment, necessary for the protection of the public interest. Evidence and guarantees may be required such that the conditions stipulated in connection with the use will be fulfilled.
 - d. For purposes of this subsection, the separation between a sexually oriented business and a use listed in this subsection shall be measured from the sexually oriented business to the boundary line of the use or district in which the other use is located, and the separation distance between a sexually oriented business and another sexually oriented business shall be measured from the sexually oriented business' lot line to the other sexually oriented business' lot line.
 - e. If any portion of the building or structure in which the sexually oriented business is located fails to meet the separation distance requirements of this subsection, then the entire building or structure shall be ineligible for a sexually oriented business use.

- f. The presence or existence of a city, township, county, or other political subdivision boundary shall be irrelevant for the purposes of calculating and applying the separation distance requirements of this subsection.
 - g. A sexually oriented business lawfully operating is not rendered a nonconforming use by the location, subsequent to the location or grant or renewal of the sexually oriented business, of a regular place of worship, a public or private nursery school, preschool, kindergarten, elementary or secondary school, a public park, a licensed child care center, any entertainment business that is oriented primarily toward children or family entertainment, or another sexually oriented business.
- 3. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by fire, health, or building codes.
- 4. Parking shall be provided in conformity to Article 6 of this Ordinance.
- 5. No sexually oriented business use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted at the building entrance(s) noting that minors are not allowed. All signage shall conform to the requirements of Article 6 of this Ordinance.
- 6. All parking areas and the building shall be well lit to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
- 7. The physical structure of the establishment shall be architecturally compatible with the neighborhood.
- H. **Reserved (Amendment ZO 2017-04-06, Ordinance #2016-04, Effective January 3, 2020)**
- I. **Wind Energy Conversion System (WECS)- Commercial.**
 - 1. The site plan shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied dwelling units within three hundred (300) feet of the WECS.
 - 2. Underground power lines are encouraged where feasible.
 - 3. Each application shall be accompanied by a profile, showing at a minimum the following:
 - a. Height above grade of the wind turbine generator.
 - b. Diameter of the rotor.
 - c. Tower type.

- d. Maximum sound level dB(A) at the property line.
4. The maximum level of noise permitted to be generated by any WECS shall not exceed 55 dB(A) at the property line closest to the WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be the ambient dB(A) plus 5 dB(A).
5. WECS shall be erected such that no portion of the tower or turbine is closer than one hundred (100) feet from any property line.
6. The maximum allowable height, including rotor blade length of horizontal wind turbines, of any WECS shall be two hundred fifty (250) feet, unless otherwise restricted by Federal Aviation Administration (FAA) requirements.
7. For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is twenty (20) feet.
8. Towers shall be designed and constructed in such a manner that access is limited to authorized personnel.
9. Under no circumstances shall a WECS produce vibrations humanly perceptible beyond the lot boundaries.
10. Provisions shall be made for removing the tower, when it is no longer utilized for power generating purposes, by furnishing a performance guarantee in an appropriate amount as per Section 11.8, unless approval for another use is granted by Elmwood Township pursuant to this Ordinance.

J. Wine Tasting Room

The Township would like to encourage agriculturally related uses while preserving neighboring property owners' enjoyment of their land. Wine tasting rooms are permitted at wineries provided that the proposed wine tasting room complies with the following requirements:

1. The winery is licensed or will be licensed prior to occupancy by the appropriate Federal, State, and Local agencies.
2. The parcel shall have a minimum of 10 acres.
3. The winery is operated according to generally accepted agricultural management principles and the parcel shall have a minimum of five (5) planted acres of fruit that is used for the on-site production of wine.
4. The total footprint covered by buildings and structures used for any purpose, including wine tasting rooms shall not exceed two and one-half (2.5) percent of the lot area.

5. Setbacks shall be:
 - a. For any wine tasting room that adjoins a parcel where there is a residence, all wine tasting room structures and facilities shall be located at least 100 feet from the property line that adjoins a residence, and speakers and sound amplifiers shall be located at least 250 feet from the property line that adjoins a residence.
 - b. For any wine tasting room that adjoins a parcel where there is a residence, if the residence is within 500 feet of any wine tasting room structure, there shall be a fence along the property boundary line that adjoins the residence to discourage trespass.
6. The maximum size of wine tasting room shall be 2000 sq ft.
7. The hours of operation shall be between the hours of 10 am and 10 pm unless the Planning Commission determines that different hours are more appropriate to meet the standards of Section 9.3.
8. Amplified sound (including amplified music) shall be contained indoors and shall not exceed reasonable volumes, so as to avoid disturbance to any neighboring residents.
9. Lighting shall comply with Section 6.5.
10. 50% of the retail space and gross sales of a wine tasting room must be from product produced and grown on site as described in the Department of Agricultural Generally Accepted Agricultural Practices for Farm Markets.
11. On-site parking shall be designed and constructed according to Article 6.

K. UTILITY-SCALE SOLAR ENERGY SYSTEMS (Amendment ZO 2017-04-01, Ordinance #2018-03, Effective September 28, 2018)

Purpose

It is the intent of Elmwood Township to permit Utility Scale Solar Energy Systems by regulating their siting, design, and installation to protect public health, safety, and welfare, to ensure their compatibility with adjacent land uses, and protect active farmland, prime soils, and forested properties. Utility-scale SES shall be permitted as a special use subject to the following standards:

1. Standards for Ground-Mounted Utility-Scale SES
 - a. **Setbacks:** The minimum setback for all structures and equipment related to a SES shall be 100 feet from any front property line, 50 feet from any side or rear property line. In addition, all structures and equipment shall be located a minimum of 100 feet from any dwellings not located on the subject property.
 - b. **Minimum Lot Area:** Minimum lot area for a utility-scale solar energy system shall be five (5) acres.

- c. **Signage:** Utility-scale solar energy system installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar energy system. All signage shall conform to the requirements of Article 6 of this Ordinance.
- d. **Utility Collection:** All utility collection lines from the solar energy system shall be placed underground. Interconnection to the electric grid shall meet the requirements of the transmission owner.
- e. **Screening:** Utility scale solar energy systems shall be screened from any rights-of-ways including water. In addition to the screening requirements of Section 6.4.2, screening shall be a mixture of heights at the time of planting with 25% of the screening being at least 10 feet at the time of planting. When a utility-scale solar energy system is adjacent to a residentially or agriculturally zoned or used lot, side and rear yard screening may be required as determined by the Planning Commission to address specific site needs at the time review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways.
- f. **SES Maintenance:** The utility-scale SES operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to local emergency response personnel. The operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s). All landscaping and buffer shall be maintained and replaced within the next growing year should it die.

2. Abandonment or Decommissioning

- a. Any utility-scale solar energy system which has reached the end of its useful life or has been abandoned consistent with this section of the Zoning Ordinance shall be removed and parcel owners shall be required to restore the site. The property owner shall physically remove the installation no more than one-hundred and fifty (150) days after the date of discontinued operations.
- b. The property owner shall notify the Township and the Planning Commission by certified mail of the proposed date of discontinued operations and plans for removal.
- c. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the utility-scale SES shall be considered abandoned when it fails to operate continuously for more than one year. If the property owner fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, Elmwood Township is permitted to enter the property and physically remove the installation.
- d. The Decommissioning plan shall consider at minimum:
 - i. Physical removal of all aboveground utility-scale solar energy systems and ancillary solar equipment, structures, equipment, security barriers, and transmission lines from the site.

- ii. Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - iii. Stabilization and re-vegetation of the site as necessary to minimize erosion.
- 3. Financial Surety: The applicant for a utility-scale solar energy system shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal of the SES in the event Elmwood Township must remove the installation. The amount and form of financial surety is to be determined by the Planning Commission, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

L. Distillery Tasting Room (Amendment ZO 2017-04-03, Ordinance #2018-04, Effective November 9, 2018)

The Township would like to encourage agriculturally related uses while preserving neighboring property owners' enjoyment of their land. Tasting rooms are permitted at distilleries provided that the proposed distillery tasting room complies with the following requirements:

- 1. The distillery is licensed or will be licensed prior to occupancy by the appropriate Federal, State, and Local agencies.
- 2. The parcel shall have a minimum of 20 acres.
- 3. The distillery is operated according to generally accepted agricultural management principles and the parcel shall have a minimum of five (5) planted acres of crop that is used for the on-site production of spirits unless the Planning Commission determines that a different minimum is more appropriate to meet the standards of Section 9.3 for the reuse of existing commercial structures.
- 4. Tasting rooms shall not exceed two and one-half (2.5) percent of the lot area.
- 5. Setbacks shall be:
 - a. For any tasting room that adjoins a parcel where there is a residence, all tasting room structures and facilities shall be located at least 100 feet from the property line that adjoins a residence, and speakers and sound amplifiers shall be located at least 250 feet from the property line that adjoins a residence.
 - b. For any tasting room that adjoins a parcel where there is a residence, if the residence is within 500 feet of any tasting room structure, there shall be a fence along the property boundary line that adjoins the residence to discourage trespass.

6. The maximum size of tasting room shall be 2000 sq ft.
7. The hours of operation shall be between the hours of 10 am and 10 pm unless the Planning Commission determines that different hours are more appropriate to meet the standards of Section 9.3.
8. Retail sales and food service must be clearly accessory to production of the spirit being processed on-site. The tasting room may offer food service provided:
 - a. The area for serving food shall seat no more than twenty (20) patrons at one time.
 - b. Sale of food shall not exceed 10% of gross sales of licensed products. At the request of the Township, the business shall provide supporting documentation to the Township verifying compliance with this section. This section does not limit the Township's ability to make documentation request in any other sections of the Zoning Ordinance.
 - c. Food service items shall be limited to appetizers and small plates. Carry-out foods are prohibited.
 - d. Distillery shall be licensed to prepare and serve food by the appropriate Health Agency.
9. Amplified sound (including amplified music) shall be contained indoors and shall not exceed reasonable volumes, so as to avoid disturbance to any neighboring residents.
10. Lighting shall comply with Section 6.5.
11. Any alcoholic beverages consumed or sold on-site must be produced on-site.
12. On-site parking shall be designed and constructed according to Article 6.

M. Agricultural Commercial Enterprises (Amendment ZO 2017-04-05, Ordinance #2019-02, Effective September 4, 2019)

The purpose is to promote agricultural commerce, to conserve valuable farmland, and to protect public safety.

1. The use must be associated with a farm operation, operated according to the Generally Accepted Agricultural and Management Practices for Farm Markets (GAAMPS) for the State of Michigan and any additional GAAMPS that may apply for the proposed use.
2. Accessory Uses. The following are allowed as accessory uses to agricultural commercial enterprises:
 - a. Petting zoos, animal attractions, and playgrounds.

- b. Children's games and activities.
 - c. Crop mazes and pumpkin patches.
 - d. Holiday-oriented activities.
 - e. Sales shall be limited to farm products in compliance with GAAMPS for Farm Markets, such as fruit, vegetables, or baked goods; plant and nursery stock; or farm-related products such as milk, cheeses, honey, preserves, or butter. A bakery may exist as part of a farm market.
3. Sales of the following are prohibited unless otherwise authorized by the Ordinance:
- a. Fuel or related products.
 - b. Tobacco products.
 - c. Lottery tickets.
 - d. Vehicles or related products.
 - e. New & Used household goods.
 - f. Alcohol production and sales.
4. Shall be located on a minimum parcel size of one (1) acre and shall be owned or leased by the farmer.
5. The minimum setback from any lot line for any structure shall be fifty (50) feet. Vegetative planting or agricultural use of land is encouraged between the structure and any property line.
6. Parking shall be setback a minimum of fifty (50) feet from any side or rear lot line and a minimum of ten (10) feet from the road right-of-way line.
7. Landscaping shall comply with Section 6.4 including buffering requirements.
8. Lighting. Greenhouse and other grow lights internal to agricultural enterprises are exempt from the lighting requirements of this Section. For all other lighting requirements, see Section 6.5, Lighting.